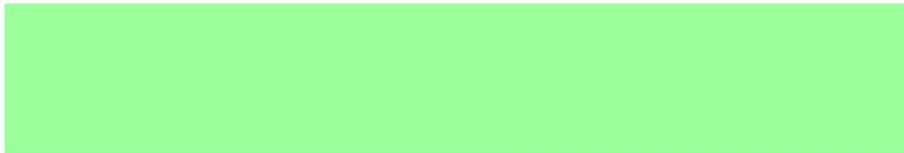




U.S. Citizenship
and Immigration
Services

(b)(6)

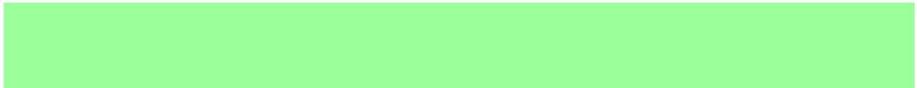


DATE: JUN 21 2013

OFFICE: TEXAS SERVICE CENTER

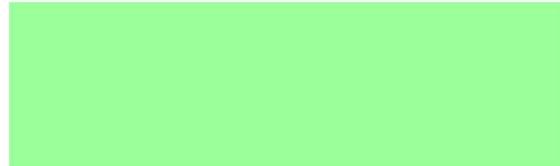
FILE: 

IN RE: Petitioner:
Beneficiary:



PETITION: Immigrant Petition for Alien Worker as an Other, Unskilled Worker Pursuant to § 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center (director) (September 18, 2008), and appealed to the Administrative Appeals Office (AAO) on October 21, 2008. The AAO dismissed the appeal on August 25, 2010. The petitioner filed a motion to reopen and reconsider the AAO's decision on September 24, 2010. On November 5, 2010, the director dismissed the motion to reopen and reconsider the AAO's decision. On December 2, 2010, the petitioner filed an appeal to the director's decision dismissing the motion to reopen and reconsider the AAO's decision. On November 22, 2011 the AAO issued a decision on the petitioner's appeal filed on December 2, 2010 (an appeal of the director's decision dismissing the petitioner's motion to reopen and reconsider the AAO's August 25, 2010 decision). That decision found that the director incorrectly adjudicated the petitioner's motion to reopen and reconsider the AAO's August 25, 2010 decision as the AAO had jurisdiction over adjudication of the motion. 8 C.F.R. § 103.5(a)(1)(ii). The director's decision in that regard (November 5, 2010) was withdrawn by the AAO and a new decision issued which considered "all of the evidence in the record and the arguments made by counsel at the various stages of the proceeding," including the evidence submitted by the petitioner in support of its motion to reopen and motion to reconsider. The appeal filed by the petitioner on December 2, 2010, receipt number [REDACTED] has been fully adjudicated by the AAO in its November 22, 2011 decision. Any appeal deemed administratively open in these proceedings has been rendered moot by the AAO's November 22, 2011 decision.

ORDER: The appeal is dismissed.